



PATENT  
Attorney Docket No. 9140.0025-00  
Customer No. 22,852

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
DAWES, David ) Group Art Unit: 2883  
Application No.: 10/650,461 ) Examiner: DUPUIS, Derek L.  
Filed: August 27, 2003 )  
For: OPTICALLY COUPLING INTO HIGHLY ) Confirmation No.: 7106  
UNIFORM WAVEGUIDES )

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER**  
**37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the Commissioner is hereby authorized to charge the fee of \$180.00 to Deposit Account No. 06-0916 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patent publications are not enclosed.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /P.R./

English translations of two of the non-English documents are enclosed (DE 37 38 738 C1 and JP 5-230642 A). English language Abstracts are enclosed for EP 1092 689 A1, JP 7-224379 A and JP 7-233469 A, as noted on the Form PTO/SB/08 submitted concurrently herewith.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an “adverse decision” by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of “substantially similar claim[s]” to the Office. Accordingly, although Applicant is not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicant has listed the substantive Office Actions filed in co-pending applications on the enclosed Form PTO/SB/08.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute “prior art.” If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute “prior art” under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Receipt date: 08/10/2006

10650461 - GAU: 2883

Appl. No. 10/650,461  
Atty. Docket No. 9140.0025-00

If there is any fee due in connection with the filing of this Statement, please charge the  
fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 10, 2006

By: 

Gary J. Edwards  
Reg. No. 41,008

<b>EXPRESS MAIL LABEL NO.</b> <b>EV 860817725 US</b>
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IDS Form PTO/SB/08: Substitute for form 1449A/PTO				<b>Complete if Known</b> <table border="1"> <tr> <td>Application Number</td> <td>10/650,461</td> </tr> <tr> <td>Filing Date</td> <td>August 27, 2003</td> </tr> <tr> <td>First Named Inventor</td> <td>DAWES, David</td> </tr> <tr> <td>Art Unit</td> <td>2883</td> </tr> <tr> <td>Examiner Name</td> <td>DUPUIS, Derek L.</td> </tr> <tr> <td>Attorney Docket Number</td> <td>09140.0025-00</td> </tr> </table>		Application Number	10/650,461	Filing Date	August 27, 2003	First Named Inventor	DAWES, David	Art Unit	2883	Examiner Name	DUPUIS, Derek L.	Attorney Docket Number	09140.0025-00
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>																	
Sheet	1	of	8														



U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US 3,309,302	03/14/1967	Heil	
		US 4,082,569	04/04/1978	Evans, Jr.	
		US 4,587,225	05/06/1986	Tsukuma et al.	
		RE 32,449	06/30/1987	Claussen	
		US 5,173,271	12/22/1992	Chen et al.	
		US 5,296,089	03/22/1994	Chen et al.	
		US 5,309,302	05/03/1994	Vollmann	
		US 5,338,625	08/16/1994	Bates et al.	
		US 5,435,826	07/25/1995	Sakakibara et al.	
		US 5,472,795	12/05/1995	Atita	
		US 5,478,456	12/26/1995	Humpal et al.	
		US 5,512,147	04/30/1996	Bates et al.	
		US 5,538,796	07/23/1996	Schaffer et al.	
		US 5,561,004	10/01/1996	Bates et al.	
		US 5,569,520	10/29/1996	Bates	
		US 5,597,660	01/28/1997	Bates et al.	
		US 5,612,152	03/18/1997	Bates	
		US 5,645,626	07/08/1997	Edlund et al.	
		US 5,702,829	12/30/1997	Paidassi et al.	
		US 5,738,731	04/14/1998	Shindo et al.	
		US 5,909,346	06/01/1999	Malhotra et al.	
		US 5,930,046	07/27/1999	Solberg et al.	
		US 6,000,603	12/14/1999	Koskenmaki et al.	
		US 6,045,626	04/04/2000	Yano et al.	
		US 6,117,279	09/12/2000	Smolanoff et al.	
		US 6,133,670	10/17/2000	Rodgers et al.	
		US 6,168,884 B1	01/02/2001	Neudecker et al.	
		US 6,232,242 B1	05/15/2001	Hata et al.	

Examiner Signature	/Peter Radkowski/	Date Considered	10/10/2008
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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<b>Sheet</b>	2	of	8	<b>Attorney Docket Number</b>	09140.0025-00

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		US 6,242,129 B1	06/05/2001	Johnson	
		US 6,242,132 B1	06/05/2001	Neudecker et al.	
		US 6,280,875 B1	08/28/2001	Kwak et al.	
		US 6,281,142 B1	08/28/2001	Basceri et al.	
		US 6,290,821 B1	09/18/2001	McLeod	
		US 6,306,265 B1	10/23/2001	Fu et al.	
		US 6,356,694 B1	03/12/2002	Weber	
		US 6,361,662 B1	03/26/2002	Chiba et al.	
		US 6,365,300 B1	04/02/2002	Ota et al.	
		US 6,376,027 B1	04/23/2002	Lee et al.	
		US 6,632,563 B1	10/14/2003	Krasnov et al.	
		US 6,673,716 B1	01/06/2004	D'Couto et al.	
		US 6,683,244 B2	01/27/2004	Fujimori et al.	
		US 6,683,749 B2	01/27/2004	Daby et al.	
		US 6,768,855 B1	07/27/2004	Bakke et al.	
		US 6,818,356 B1	11/16/2004	Bates	
		US 6,827,826 B2	12/07/2004	Demaray et al.	
		US 6,846,765 B2	01/25/2005	Imamura et al.	
		US 6,884,327 B2	04/26/2005	Pan et al.	
		US 2001/0041460 A1	11/15/2001	Wiggins	
		US 2002/0001746 A1	01/03/2002	Jenson	
		US 2002/0014406 A1	02/07/2002	Takashima	
		US 2002/0076133 A1	06/20/2002	Li et al.	
		US 2002/0115252 A1	08/22/2002	Haukka et al.	
		US 2002/0140103 A1	10/03/2002	Kloster et al.	
		US 2003/0035906 A1	02/20/2003	Memarian et al.	
		US 2003/0127319 A1	07/10/2003	Demaray et al.	
		US 2003/0134054 A1	07/17/2003	Demaray et al.	

Examiner Signature	/Peter Radkowski/	Date Considered	10/10/2008
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		Number-Kind Code <sup>2</sup> (if known)			
		US 2003/0178637 A1	09/25/2003	Chen et al.	
		US 2004/0043557 A1	03/04/2004	Haukka et al.	
		US 2004/0077161 A1	04/22/2004	Chen et al.	
		US 2004/0105644 A1	06/03/2004	Dawes	
		US 2005/0048802 A1	03/03/2005	Zhang et al.	
		US 2005/0183946 A1	08/25/2005	Pan et al.	
		US 2006/0054496 A1	03/16/2006	Zhang et al.	
		US 2006/0057283 A1	03/16/2006	Zhang et al.	
		US 2006/0057304 A1	03/16/2006	Zhang et al.	
		US 2006/0071592 A1	04/06/2006	Narasimhan et al.	
		US 2006/0134522 A1	06/22/2006	Zhang et al.	
		US 2005/0048802 A1	03/03/2005	Zhang et al.	

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

FOREIGN PATENT DOCUMENTS						
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>4</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		DE 37 38 738 C1	01/26/1989	Degussa AG		Yes
		EP 0 639 655 A1	02/22/1995	Asahi Glass Co, Ltd.		
		EP 0 652 308 A2	05/10/1995	Neuralsystems Corp. et al.		
		EP 1 068 899 A1	01/17/2001	Nippon Sheet Glass Co., Ltd.		
		EP 1 092 689 A1	04/18/2001	BPS Alzenau GmbH		Abstract
		JP 5-230642 A	09/07/1993	Nissin High Voltage Co., Ltd.		Yes
		JP 7-224379 A	08/22/1995	Ulvac Japan Ltd		Abstract
		JP 7-233469 A	05/09/1995	Asahi Glass Co, Ltd.		Abstract
		WO 99/61674 A1	12/02/1999	Universiteit Gent		
		WO 2004/106581 A2	12/09/2004	Symmorphix, Inc.		
		WO 2004/106582 A2	12/09/2004	Symmorphix, Inc.		

Examiner Signature	/Peter Radkowski/	Date Considered	10/10/2008
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<i>Sheet</i>	4	of	8	<i>Attorney Docket Number</i>	09140.0025-00

FOREIGN PATENT DOCUMENTS					
		WO 2006/063308 A2	06/15/2006	Symmorphix, Inc.	

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials <sup>a</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>a</sup>	
		ASM Handbook, Formerly Ninth Edition, Metals Handbook, Volume 15, Casting, Davis et al. (Eds.), ASM International, pp. 372-373, 376-383, and 410-411 (1988).		
		CROWDER, M.A. et al., "Low-Temperature Single-Crystal Si TFT's Fabricated on Si Films Processed via Sequential Lateral Solidification," <i>IEEE Electron Device Lett.</i> 19(8):306-308 (1998).		
		DOREY, R.A., "Low temperature micromoulding of functional ceramic devices," Grant summary for GR/S84156/01 for the UK Engineering and Physical Sciences Research Council, 2 pages (2004).		
		GREENE, J.E. et al., "Morphological and electrical properties of rf sputtered Y <sub>2</sub> O <sub>3</sub> -doped ZrO <sub>2</sub> thin films," <i>J. Vac. Sci. Tech.</i> 13(1):72-75 (1976).		
		HOWSON, R.P., "The reactive sputtering of oxides and nitrides," <i>Pure &amp; Appl. Chem.</i> 66(6):1311-1318 (1994).		
		HWANG, M-S. et al., "The effect of pulsed magnetron sputtering on the properties of indium tin oxide thin films," <i>Surface and Coatings Tech.</i> 171:29-33 (2003).		
		IM, J.S. & SPOSILI, R.S., "Crystalline Si Films for Integrated Active-Matrix Liquid Crystal Displays," <i>MRS Bulletin</i> , pp. 39-48 (1996).		
		IM, J.S. et al. "Controlled Super-Lateral Growth of Si Films for Microstructural Manipulation and Optimization," <i>Physica Status Solidi (A)</i> 166(2):603-617 (1998).		
		IM, J.S. et al., "Single-crystal Si films for thin-film transistor devices," <i>Appl. Physics Lett.</i> 70(25):3434-3436 (1997).		
		KELLY, P.J. et al., "A novel technique for the deposition of aluminum-doped zinc oxide films," <i>Thin Solid Films</i> 426(1-2):111-116 (2003).		
		KIM, H-K. & YOON, Y., "Characteristics of rapid-thermal-annealed LiCoO <sub>2</sub> cathode film for an all-solid-state thin film microbattery," <i>J. Vac. Sci. Technol.</i> A 22(4):1182-1187 (2004).		
		TOMASZEWSKI, H. et al., "Yttria-stabilized zirconia thin films grown by reactive r.f. magnetron sputtering," <i>Thin Solid Films</i> 287:104-109 (1996).		
		TUKAMOTO, H. & WEST, A.R., "Electronic Conductivity of LiCoO <sub>2</sub> and Its Enhancement by Magnesium Doping," <i>J. Electrochem. Soc.</i> 144(9):3164-3168 (1997).		
		Office Action issued on September 27, 2004 in U.S. Application No. 10/291,179 (Atty. Docket No. 09140.0001-00).		
		Response to Office Action filed on March 14, 2005 in U.S. Application No. 10/291,179 (Atty. Docket No. 09140.0001-00).		

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<b>Sheet</b>	5	of	8	<b>Attorney Docket Number</b>	09140.0025-00

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		Office Action issued on June 15, 2005 in U.S. Application No. 10/291,179 (Atty. Docket No. 09140.0001-00).		
		Response to Office Action filed on October 17, 2005 in U.S. Application No. 10/291,179 (Atty. Docket No. 09140.0001-00).		
		Final Office Action issued on December 14, 2005 in U.S. Application No. 10/291,179 (Atty. Docket No. 09140.0001-00).		
		Response to Final Office Action filed April 14, 2006, in U.S. Appl. No. 10/291,179 (Atty. Docket No. 9140.0001-00).		
		Office Action mailed April 27, 2006, in U.S. Appl. No. 10/291,179 (Atty. Docket No. 9140.0001-00).		
		Response to Office Action filed July 27, 2006, in U.S. Appl. No. 10/291,179 (Atty. Docket No. 9140.0001-00).		
		Notice of Allowance mailed August 6, 2002, for US Patent No. 6,506,289 (Atty. Docket No. 09140.0002-01).		
		Notice of Allowance mailed November 10, 2003 for US Patent No. 6,827,826 (Atty. Docket No. 09140.0002-02).		
		PCT Invitation to Pay Additional Fees for PCT/US01/22750, dated March 13, 2002 (Atty. Docket No. 09140.0002-00304).		
		PCT International Search Report for PCT/US01/22750, dated July 19, 2002 (Atty. Docket No. 09140.0002-00304).		
		PCT Written Opinion for PCT/US01/22750, dated July 23, 2002 (Atty. Docket No. 09140.0002-00304).		
		PCT International Preliminary Examination Report for PCT/US01/22750, dated October 8, 2002 (Atty. Docket No. 09140.0002-00304).		
		Amendment/RCE filed on March 10, 2005 in U.S. Application No. 09/903,081 (Atty. Docket No. 09140-0014-00).		
		Office Action issued on March 17, 2005 in U.S. Application No. 09/903,081 (Atty. Docket No. 09140-0014-00).		
		Response to Office Action filed on June 17, 2005 in U.S. Application No. 09/903,081 (Atty. Docket No. 09140-0014-00).		
		Office Action issued on July 8, 2005 in U.S. Application No. 09/903,081 (Atty. Docket No. 09140-0014-00).		
		Office Action issued on November 28, 2005 in U.S. Application No. 09/903,081 (Atty. Docket No. 09140-0014-00).		
		Response to Office Action filed February 28, 2006 in U.S. Application No. 09/903,081 (Atty. Docket No. 09140-0014-00).		

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		Final Office Action mailed May 8, 2006 in U.S. Application No. 09/903,081 (Atty. Docket No. 09140-0014-00).		
		Office Action issued September 21, 2005 in U.S. Application No. 11/100,856 (Atty. Docket No. 09140.0015-01).		
		Response to Office Action filed February 17, 2006 in U.S. Application No. 11/100,856 (Atty. Docket No. 09140.0015-01).		
		Final Office Action mailed June 9, 2006 in U.S. Appl. No. 11/100,856 (Atty. Docket No. 09140.0015-01).		
		Office Action dated January 13, 2005, in Application No. 10/101,863 (Atty. Docket No. 09140.0016-00).		
		Response to Office Action filed on June 10, 2005 in U.S. Application No. 10/101,863 (Atty. Docket No. 09140.0016-00).		
		Office Action issued on August 4, 2005, in U.S. Application No. 10/101,863 (Atty. Docket No. 09140.0016-00).		
		Response to Office Action filed December 5, 2005, in U.S. Application No. 10/101,863 (Atty. Docket No. 09140.0016-00).		
		Final Office Action issued on February 14, 2006, in U.S. Application No. 10/101,863 (Atty. Docket No. 09140.0016-00).		
		Response to Office Action filed February 24, 2006, in U.S. Application No. 10/101,863 (Atty. Docket No. 09140.0016-00).		
		Office Action mailed March 22, 2006, in U.S. Appl. No. 10/101,863 (Atty. Docket No. 09140.0016-00).		
		Response to Office Action filed June 12, 2006, in U.S. Appl. No. 10/101,863 (Atty. Docket No. 09140.0016-00).		
		Office Action dated March 25, 2005, received in Application No. 10/954,182 (Atty. Docket No. 09140.0016-01).		
		Response to Office Action filed on July 25, 2005 in Application No. 10/954,182 (Atty. Docket No. 09140.0016-01).		
		Office Action issued on October 25, 2005, in U.S. Appl. No. 10/954,182 (Atty. Docket No. 09140-0016-01000).		
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Application Number</b>	10/650,461
				<b>Filing Date</b>	August 27, 2003
				<b>First Named Inventor</b>	DAWES, David
				<b>Art Unit</b>	2883
				<b>Examiner Name</b>	DUPUIS, Derek L.
<b>Sheet</b>	7	of	8	<b>Attorney Docket Number</b>	09140.0025-00

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>2</sup>
		Office Action issued on August 8, 2005 in U.S. Application No. 10/101,341 (Atty. Docket No. 09140-0017-00).	
		Response to Office Action filed on November 8, 2005, in U.S. Application No. 10/101,341 (Atty. Docket No. 09140-0017-00).	
		Office Action issued on February 13, 2006, in U.S. Application No. 10/101,341 (Atty. Docket No. 09140-0017-00).	
		Response to Office Action filed on May 15, 2006, in U.S. Application No. 10/101,341 (Atty. Docket No. 09140-0017-00).	
		Office Action issued on August 2, 2006, in U.S. Application No. 10/101,341 (Atty. Docket No. 09140-0017-00).	
		International Preliminary Examination Report mailed on April 15, 2004 in PCT/US03/24809 (Atty. Docket No. 09140-0025-00304).	
		Office Action issued on December 2, 2005 in U.S. Application No. 10/789,953 (Atty. Docket No. 09140.0030-00).	
		Response to Office Action filed March 2, 2006 in U.S. Application No. 10/789,953 (Atty. Docket No. 09140.0030-00).	
		Final Office Action issued on May 19, 2006 in U.S. Application No. 10/789,953 (Atty. Docket No. 09140.0030-00).	
		Specification and Preliminary Amendment as filed for U.S. Appl. No. 11/297,057 (Atty. Docket No. 09140.0030-01).	
		Office Action from Singapore Patent Office in Appl. No. 200505388-9, dated March 20, 2006 (Atty. Docket No. 9140.0030-00256).	
		Office Action issued on March 24, 2005 in U.S. Application No. 10/851,542 (Atty. Docket No. 09140.0033-00).	
		Response to Office Action dated July 25, 2005 in U.S. Application No. 10/851,542 (Atty. Docket No. 09140-0033-00).	
		Office Action issued on October 19, 2005 in U.S. Application No. 10/851,542 (Atty. Docket No. 09140.0033-00).	
		Response to Office Action filed January 19, 2006 in U.S. Application No. 10/851,542 (Atty. Docket No. 09140.0033-00).	
		Office Action mailed April 19, 2006 in U.S. Application No. 10/851,542 (Atty. Docket No. 09140.0033-00).	
		Response to Office Action filed July 26, 2006 in U.S. Application No. 10/851,542 (Atty. Docket No. 09140.0033-00).	
		PCT International Search Report and Written Opinion for Application No. PCT/US2004/014524 dated March 2, 2005 (Atty. Docket No. 09140.0033-00304).	

Examiner Signature	/Peter Radkowski/	Date Considered	10/10/2008
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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IDS Form PTO/SB/08: Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Application Number</b>	10/650,461
				<b>Filing Date</b>	August 27, 2003
				<b>First Named Inventor</b>	DAWES, David
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<b>Sheet</b>	8	of	8	<b>Attorney Docket Number</b>	09140.0025-00

NON PATENT LITERATURE DOCUMENTS				
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		PCT International Preliminary Report on Patentability for Application No. PCT/US2004/014524, dated December 8, 2005 (Atty. Docket No. 09140.0033-00304).		
		PCT International Search Report for Application No. PCT/US2004/014523 dated January 17, 2005 (Atty. Docket No. 09140.0034-00304).		
		PCT Written Opinion for Application No. PCT/US2004/014523 dated January 17, 2005 (Atty. Docket No. 09140.0034-00304).		
		PCT International Preliminary Report on Patentability for Application No. PCT/US2004/014523, dated December 8, 2005 (Atty. Docket No. 09140.0034-00304).		
		Specification as filed September 2, 2005, for U.S. Appl. No. 11/218,652 (Atty. Docket No. 09140.0052-00).		

Examiner Signature	<u>/Peter Badkowski/</u>	Date Considered	10/10/2008
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